

EXHIBIT 13

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOROTHY ANDERSON and DEMARQUION
MERRILL, as Co-Personal Representatives
of the Estate of BOBBY MERRILL, deceased,

Plaintiff,

NO: 13-11159

vs.

JUDGE LUDINGTON

OFFICER JEFF MADAJ, individually,
OFFICER JUSTIN SEVERS, individually,
OFFICER BRIAN GUEST, individually, and
OFFICER STEVEN WIETECH, individually,

Defendants.

_____ /

The Deposition of GABRIEL CHICKO SALAZAR, taken
before me, Daniel E. Ripka, CSR-2367, Notary Public, on Friday,
July 25, 2014, at the offices of Ripka, Boroski & Associates,
LLC, One Tuscola Street, Suite 301, Saginaw, Michigan,
commencing at or about 3:23 P.M.

APPEARANCES:

FIEGER, FIEGER, KENNEY, GIROUX & HARRINGTON, P.C.
BY: GARY N. FELTY, JR., ESQ. (P55554)
19390 West Ten Mile Road
Southfield, Michigan 48075
(248) 355-5555
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Appearing on Behalf of Plaintiffs.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES, CONTINUED: 2 PLUNKETT COONEY 3 BY: H. WILLIAM REISING, ESQ. (P19343) 4 111 East Court Street, Suite 1B 5 Flint, Michigan 48502 6 (810) 342-7001 7 wreising@plunkettcooney.com 8 9 Appearing on Behalf of Defendants. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Friday, July 25, 2014 2 Saginaw, Michigan 3 3:23 P.M. 4 GABRIEL CHICKO SALAZAR, 5 a witness herein was called for examination, and after 6 having been sworn was examined and testified on his 7 oath as follows: 8 EXAMINATION 9 BY MR. FELTY: 10 Q. Would you state your full legal name? 11 A. My name is Gabriel Chiko Salazar. 12 Q. And Chiko is C-H-I-C-K-O? 13 A. Correct. 14 Q. I have an address of 3106 Grant Street in Saginaw? 15 A. No. 16 Q. Okay. 17 A. It's 3117 Grant Street. 18 Q. 3117 Grant? 19 Have you ever sat at a deposition before? 20 A. Don't know the question to answer. 21 Q. Have you ever sat at a deposition before, a proceeding 22 like this? 23 A. No. 24 Q. All right. You can see off to your right we have a court 25 reporter that is taking down every question I ask and</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX 2 WITNESS: GABRIEL CHICKO SALAZAR PAGE 3 Examination by Mr. Felty 4 4 Examination by Mr. Reising 55 5 * * * * * 6 INDEX OF EXHIBITS 7 EXHIBIT PAGE 8 No Exhibits Marked 9 * * * * * 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 every statement that you give. 2 A. Okay. 3 Q. This isn't like normal conversation, we have to make sure 4 that my question and your answer is written down, so there 5 may be times where you anticipate what I'm going to ask 6 you. Try to wait until I'm done so that -- 7 A. I understand. 8 Q. -- so that he can get everything down. 9 A. I understand completely. 10 Q. If I ask you a yes or no question, try to stick to yes or 11 no as opposed to nods of the head or uh-huh or hmp-hm -- 12 A. Okay. 13 Q. -- because those don't transcribe. 14 A. Okay. 15 Q. At times I may remind you if you do something like that. 16 I'm not trying to be disrespectful, just trying to make a 17 clean record. 18 A. Yeah, I see what you're saying. I understand completely 19 what you're saying. 20 Q. If you don't understand a question that I ask you, let me 21 know and I'll try to rephrase it. 22 A. Okay. 23 Q. We are here regarding an incident involving Bobby Merrill 24 and some Saginaw police officers on April 10th of 2012. 25 It's my understanding that you observed some or all of the</p>

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<p>1 you know what direction you're heading, north, south, 2 east -- 3 A. Yeah, north. 4 Q. Okay. You're heading north? 5 A. He was heading south. 6 Q. And you're in your vehicle? 7 A. Yup. 8 Q. Was there anybody with you? 9 A. Yeah. 10 Q. Who was with you? 11 A. My girl. 12 Q. And what's her name? 13 A. Amanda. 14 Q. Okay. Do you know her last name? 15 A. McCoy. 16 Q. All right. There's a guy in a red truck? 17 A. Yeah. 18 Q. He's going south? 19 A. Yup. 20 Q. And BJ is in like the center turn lane? 21 A. Yes. 22 Q. You're under -- Did you see BJ cross in front of you on 23 northbound? 24 A. Yeah. Well, yeah, he crossed in front of me, because, you 25 know, he was all hypertension, and everything else. He</p>	<p>1 A. He's blocking, yeah, he's blocking my turn and he's 2 blocking the traffic. 3 Q. And there's another car -- 4 A. So for me to turn... 5 Q. You can't turn -- 6 A. Yeah. 7 Q. -- so you were sitting there, and there's another car 8 coming south, and is he blocking the red car, the red 9 truck? 10 A. I moved off -- I turned off on... I went straight, turned 11 off in the church. There's a church, white church there. 12 I turned off in the parking lot to turn 13 around -- to let the other cars go around him, you know 14 what I'm saying, 'cause he's blocking traffic. 15 Q. Okay. 16 A. And I think the guy called the police, you know. 17 And I had my girl call the police, too, you know 18 what I'm saying, to come get some help because he's, you 19 know, he's stopping traffic and, I don't know, he got into 20 it with this guy. 21 Q. Okay. Now, are you describing him being in the way of the 22 red truck, is that what you're saying? 23 A. No, he kicked the red truck because he got so aggressive 24 towards him. 25 Q. All right. But how did the... You see him kick the red</p>
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<p>1 stopped traffic so I couldn't turn. 2 You know, I was in the middle of turning towards 3 him, you know what I'm saying, towards that way where he 4 was trying to walk towards. So I was turning that way 5 with him as he was trying to cross the street that way. 6 But the thing is, he blocked traffic. I 7 couldn't turn, you know. 8 And this other car was honking at him, you know, 9 and because I was beside him he just got really tempered, 10 you know what I'm saying, because just like for him 11 everything froze and everybody was just against him. 12 Q. All right. Let me -- 13 A. Which it wasn't true, you know what I'm saying, 'cause I 14 was trying to turn. 15 Q. Just let me make sure I understand this. Are you saying 16 you thought BJ was trying to cross the road? 17 A. Yeah, he was trying to cross the road. 18 Q. Okay. So he crosses northbound in front of you and kind 19 of stops in the left-turn lane? 20 A. He was... he was already trying to cross the street as he 21 was getting into it -- 22 Q. I understand. But he's in the turn lane? 23 A. Yeah. He was in the -- Yeah, he was standing in the turn 24 lane. 25 Q. And he's blocking where you want to go?</p>	<p>1 truck? 2 A. Right. 3 Q. And this is after the guy calls him the N word? 4 A. Yeah. 5 Q. All right. Now, before the guy calls him the N word -- 6 A. He was just trying to cross the street. 7 Q. All right. And the guy started honking at him and yelling 8 at him? 9 A. No. The other drivers behind him, you know, the other 10 vehicles behind him, you know, were honking at him and 11 like "Move out the way. Come on. Why you stopping 12 traffic?" 13 So he's hearing them and arguing with this guy 14 at the same time, you know what I'm saying. 15 And I'm like, "Hey, calm down." You know, I'm 16 trying to tell them to calm down, you know, "You guys go 17 around." You know, I'm like, "Go around, man. Go this 18 way. Go around him." 19 So I turn up and go straight about half of a 20 block, turn off to the parking lot, go around, make a 21 turnaround into Gilmore Street where I wanted to actually 22 turn to, you know what I'm saying. 23 And I parked there on Gilmore and Bundy Street. 24 I parked my vehicle there and told my girl, you know, "Go 25 ahead and go to work. You know, I got this under control.</p>

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1 I'm going to go talk to him."
 2 By the time I got to the corner there was an
 3 officer present there.
 4 Q. Okay. So you were going to go talk to BJ?
 5 A. Yes.
 6 Q. Why were you going to go talk to BJ?
 7 A. Because he was stopping traffic. You know, he's just
 8 making an outburst for nothing.
 9 Get the vehicle -- I do know if he's drunk or
 10 what he was, you know what I'm saying. I was going to
 11 come, talk to him, you know, "Get out the way, man. You
 12 know, it's okay," you know what I'm saying. Just take
 13 this -- I was basically defending him saying because I
 14 seen it all, you know what I'm saying, and "I seen the way
 15 he," you know what I'm saying, "the way he was talking to
 16 you," and everything else.
 17 I was going to defend his behalf at the moment,
 18 you know what I'm saying, 'cause I knew he called the
 19 cops.
 20 You know, I told my girl to call the cops, too,
 21 you know, 'cause it wasn't going to be just his defense,
 22 you know what I'm saying, I'm saying his believing against
 23 his word, you know. I called the cops saying that, you
 24 know, this guy is also, you know what I'm saying, let's
 25 say antagonizing him. You know what I'm saying, like

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1 basically geeking him up.
 2 Q. Did you ever make it over to BJ to talk to him?
 3 A. Yeah.
 4 But the thing is as he was turned the officer
 5 pulled up.
 6 Q. Okay.
 7 A. And I was calming him down. At the moment I was right in
 8 front of the cop car kind of calming him down.
 9 And the officer said -- You know, he didn't want
 10 to pay no attention to the officer. He didn't -- I don't
 11 think he even knew the officer was present, you know.
 12 And the officer said, "Get down on your knees
 13 before I pull my --" you know what I'm saying, and I'm
 14 thinking, you know, he heard that.
 15 So I'm looking at him like, okay, he didn't hear
 16 that.
 17 Well, the officer drew his weapon.
 18 Well, I'm like right behind Bobby, and just
 19 looked at him, you know, and pulled out a gun, like "I'll
 20 see you later." I went down the street.
 21 My dad called me, "He pulled a gun out. What
 22 are you doing, crazy? Come down here."
 23 You know, so I ran for it, you know what I'm
 24 saying. But I'm watching everything that's going down at
 25 my father's house, you know.

1 And he said, "Don't get involved in it, you
 2 know."
 3 I'm like, "No, you know, he's a good guy. You
 4 know, I know him." I'm saying, the way he just did him
 5 I'm saying was wrong. You know, I need to talk to the
 6 officer because, you know what I'm saying, he's going to
 7 go to jail for something, you know what I'm saying, that
 8 antagonized him, you know what I mean. So basically I was
 9 going to defend him.
 10 Q. So if I'm understanding you the guy in the red truck calls
 11 him a name, Bobby kicks the truck and that's what you
 12 think he might get in trouble for?
 13 A. Yes.
 14 Q. And you want to be there to tell an officer --
 15 A. To tell the officer, you know what I'm saying, this guy
 16 called him different names to fire him up. And, you know,
 17 who would stop there? You know what I'm saying, who would
 18 stop in the middle of the road, stop traffic, endanger
 19 other lives, you know what I'm saying, just to call this
 20 guy a name, you know what I'm saying, because you don't do
 21 that. You don't stop in the middle of the road and just
 22 antagonize him and tell him "Move out the way, you F'in
 23 N," you know.
 24 Q. What kind of car were you driving?
 25 A. At the moment I was driving a Grand Prix, a purple Grand

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1 Prix.
 2 Q. Purple Grand Prix?
 3 A. Yup.
 4 Q. All right. Before the officer arrived how close were you
 5 to Bobby?
 6 A. I would say about five foot.
 7 Q. All right. Did you hear anything that Bobby was saying?
 8 A. Yeah. He told me that basically he don't care about him,
 9 you know what I'm saying, that he's got it. He's got it,
 10 like "I got this." You know, like slang words, "I got
 11 this, man. Don't worry about it."
 12 You know, basically meaning that he's got it
 13 under control. You know, basically he don't need my help.
 14 You know, he's going to talk to whoever he's got to talk
 15 to.
 16 But he was hyped at the time, you know, high,
 17 like maybe drunk, I don't know. You know, I don't know
 18 what he was under, but it seemed to me like he was drunk.
 19 Q. All right. Do you hear him threaten anybody?
 20 A. No, other than the guy that threatened him.
 21 You know, because he threatened him, and like I
 22 said they had a shouting match, you know what I'm saying,
 23 and they were threatening each other, you know what I'm
 24 saying.
 25 And I thought for sure, you know what I'm

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